



Zoning Commission

March 9, 2020

7:00 PM

Call to Order

- I. Approval of Minutes
 - December 9, 2019
 - July 8, 2019
- II. Review New By-Laws
- III. Consideration of Zoning Regulations: **CBD Oil Establishments**
 - Discussion with Frost Brown Todd Attorney Austin Musser (filling in for Hamilton Township Law Director Ben Yoder)
 - Audience Comments

Adjourn



Zoning Commission
Notice of Public Hearing

Date of Meeting: March 9, 2020

Time of Meeting: 7:00 PM

Location of Meeting: Hamilton Township Administration Building
7780 South State Route 48, Hamilton Township

Request: The Hamilton Township Zoning Commission has scheduled a Public Hearing to consider regulations for CBD Oil-specific retail stores in Hamilton Township. Hamilton Township Trustees enacted a 1 year moratorium on all CBD Oil specific retail stores and urged the Zoning Commission to consider and recommend parameters for these types of businesses. This will be the 2nd Zoning Commission hearing on CBD Oil.

The plans for the project are available for review at the Administration Building Monday thru Friday between 8:00am and 5:00pm. Those with questions or concerns regarding the project are encouraged to review the plans and attend the meeting.

Alexander Kraemer
Hamilton Township
Economic Development and Zoning Director

HAMILTON TOWNSHIP ZONING COMMISSION
July 8, 2019

The meeting was called to order at 7:28 p.m.

Members present: Cadi Kelly, Dan Phipps, Eric Reiners.

Ms. Kelly swore in all persons wishing to speak during the meeting.

Ms. Kelly tabled the meeting minutes from the May 13, 2019 meeting.

Ms. Lois McKnight, Zoning Contractor, stated that this meeting is a public hearing to consider the Stage 2 and 3, preliminary and final site plan review for the Abode Advantage adult family home. The property is located at 7905 State Route 48. This development sits on just over 5 acres and is surrounded by mixed zoning. The clearing has begun and the applicant has started the demolition of the existing structures on the property. They are aware that until they receive the proper permits from the Soil and Water Conservation District, they cannot continue with any earth moving activities. The tree line is being maintained around the property. In 1978 a little over two acres of the property was rezoned from R-1 to B-2 PUD for the veterinary office. In April of this year, a little over 5 acres was rezoned from R-1 to R-3 PUD. The project itself consists of four structures with ten dwelling units in each. The access is located on St. Rt. 48. There are 20 parking spaces with one additional space within each building. The stage 1 PUD for landscaping and open space, requires a 20 foot buffer abutting the residential area and a 10 foot buffer along Rt. 48. They are providing a 30-foot buffer to the Northwest and South and some landscaping along 48. Ms. McKnight had suggested that the Commission maybe consider additional evergreen landscaping. There is adequate open space in compliance with the PUD. Per the zoning code, 20% of the required open space is set to not be developed as an active recreation area which means they are required to have a quarter of an acre devoted to recreational uses and they actually have one full acre dedicated. The storm water plans show a series of catch basins near the parking area with drainage to the south via an underground detention area. This process needs to be reviewed by the Engineer's office as well as the erosion and sediment control by the Soil and Water Conservation district. Public water is provided from a main on State Route 48. There is an existing fire hydrant on 48 and they are proposing a second hydrant at the northeast corner of building one where the driveway narrows down to 20 feet. Sanitary sewers will be handled via a 6 inch line that flows to the south. The lighting plan shows 18 pole mounted lights plus ground mounted lights to illuminate the pedestrian walk ways. Lighting is in compliance with the zoning code. They have indicated an entry sign on Route 48 although those details have not been included at this time. That sign will need to comply with the zoning code. The building elevations are residential in character. The siding consists of cement fiberboard with a stone wainscoting around the bottom. Each of the elevations are finished with additional stone detail. The interior consists of ten bedrooms per building. Those rooms consist of a closet and bathroom. There are common areas including the kitchen, living room, dining room, three season room, media room, laundry room, spa, and office as well as the garage area that will house the units transportation vehicle. The development is in compliance with the zoning code pertaining to a PUD. Should the commission recommend approval to the Board of Trustees, eight conditions have been provided for consideration including additional evergreen plantings.

Ms. Kelly stated that the biggest concern with this property was with the parking. Nurses would come in to take care of the residents and as the shifts would change; those spots would fill leaving little parking for other guests.

Mr. Phipps stated that he believes the 30 ft. buffer was plenty big enough. His concern was the parking as well.

Ms. Kelly invited the applicant to step forward and speak on behalf of the property.

Mr. Jodi Amburgy explained in relation to the parking concerns that there will be eight staff members working at one time and none of the residents will have their own vehicles on site. During shift change, the traffic may get a little heavy but should otherwise be okay. Originally, there was an approval of 14 spots and it was increased to 20. If we had to add some more spots, there is room on the east side to do so.

Mr. Phipps asked if there was anything lined up for the B-2 piece of the property?

Mr. Amburgy stated that there are not any plans at the moment.

Mr. Phipps stated that his concern with parking relates to the holidays. They could always do shared parking with the B-2 property and put that into the deed if they sold it.

Mr. Amburgy stated that he never thought of the shared parking but there is potential for that. There is plenty of room regardless of what business goes there.

Ms. Kelly asked if the Fire Department is okay with the turn-arounds?

Mr. Amburgy replied that they are okay with it. The buildings will all have sprinkler systems as well.

Mr. Phipps mentioned asking the applicant how he felt about additional plantings for the landscape.

Mr. Amburgy stated that it was his understanding that since they were doing a 30 ft. buffer; they did not need to do anything else.

Ms. Kelly closed the hearing for the Abode Development and asked if anyone from the public would like to speak.

No comments were made.

The board discussed the hearing amongst themselves. Mr. Reiners stated that the parking appears to be under control and that they have space to expand the parking in the future if needed. Mr. Phipps and Ms. Kelly both stated that everything looked alright to them. Ms. Kelly mentioned the parking concerns again but the applicant addressed it and everything appears to be fine. Mr.

Phipps stated that he had spoken with the Fire Chief about the space to get the vehicles in and out when needed and he is okay with it.

Mr. Reiners made a motion to recommend approval of the preliminary site plan and final site plan with all of the conditions except condition 1. There was a second from Ms. Kelly.

Roll call as follows:	Eric Reiners	Yes
	Cadi Kelly	Yes
	Dan Phipps	Yes

Motion carries.

Ms. McKnight stated that the next case is also a combined Stage 2 preliminary and stage 3 final plan for Custom Traffic Solutions. The owner is Grateful Properties, LLC. The property is located on Venture Way off Grandin Rd. It is surrounded by M-1 and M-1 PUD Zoning. The applicant is requesting to build a 9,000 square foot office building. They are providing paved parking on the south (front) side of the building and gravel parking around the three remaining sides. The gravel areas of the parking will be enclosed by privacy fencing. Access is off of Venture Way. There will be 15-18 total employees. They have provided 25 standard parking spaces plus two ADA Compliant parking spaces. The additional gravel spaces are for employees who will occasionally be called in for meetings and things of that nature. The zoning code does permit gravel parking. One loading space on each side of the building is proposed for access to the warehouse. Due to the surrounding properties being zoned M-1, no buffer is required. However, they are maintaining the existing tree line to the east. Landscaping shows a mix of trees and shrubs along Venture Way. All landscaping is in compliance. This PUD is exempt from Open Space requirements. Mounding is shown outside the fenced area to the north and east of the building. Roof drains are shown on the sides and front of the building. It appears the intent is outlet the roof drains into and allow the stormwater from the parking areas to overland flow to the common detention area on Lot #11 to the south. Final review and approval by the Warren County Engineer's Office and Warren County Soil and Water Conservation District will be required prior to the issuance of a Zoning Certificate. Public water and sanitary sewer is provided from Venture Way. There is one existing fire hydrant on Venture Way. The plan shows the potential for extension of Venture Way to the east. Planning Commission made the recommendation that when the extension is constructed, they would go back and install the appropriate street-scaping along that right of way. The lighting plan indicates wallpacks at each of the building openings. Two types of lights have been proposed. The applicant has been made aware that the zoning code requires all lights to be cutoff. The photometric plan was fine. No signage information was included. The building is 22 feet in height at the eave and is clad in metal wall panels. The front elevation includes a split and smooth faced block wainscoting 3'4" in height that wraps around the sidewalls for a length of eight feet. In addition to the main entrance at the front, there is one man-door and one loading door on the east elevation and two man doors with one loading area on the west elevation. Should commission choose to recommend approval of the combined stage 2 and 3 plans, staff has recommended the following eight conditions:

1. Revise photometric plan and submit cut sheets on lighting fixtures that comply with the Hamilton Township Zoning Code prior to issuance of the Zoning Certificate.
2. Approval by the Warren County Engineer's Office of the stormwater management plan in compliance with the OEPA Construction Activity Permit prior to the issuance of a Zoning Certificate.
3. Approval by the Warren County Soil and Water Conservation District of the erosion and sediment control plan prior to the issuance of a Zoning Certificate.
4. Approval of the public water and sanitary plans by the Warren County Water and Sewer Department prior to issuance of the Zoning Certificate.
5. Approval of the access and circulation plan by the Warren County Engineer's Office, ODOT and Hamilton Township Fire Department prior to issuance of the Zoning Certificate.
6. The building shall be equipped with a backflow prevention device that conforms to Warren County Standards.
7. Landscaping shall be provided by the property owner along the extension of Venture Way to east, along the north property line, after construction of the street.
8. The applicant shall submit an updated PUD Stage 2 Site Plan illustrating the development in context to the entire PUD, prior to the Combined Stage 2 and 3 review by the Board of Trustees.

Mr. Phipps stated that he was aware that Mr. Joe Geraci, an adjoining property owner, had an issue with this development. He is concerned with the extension of Venture Way and various procedures that may or may not need to occur.

Ms. McKnight stated that Hamilton Township Administrator, Brent Centers, spoke with Mr. Geraci and talked about the update to the plan. He expressed that he was hoping to have more information from the applicant. So maybe that is something that could be set up and addressed between the applicant and the adjoining property owner to meet their satisfaction.

Ms. Kelly asked for clarification on the property that is being addressed near Mr. Geraci's property line that he might have concerns with. Which direction would the road run?

Ms. McKnight stated that they are discussing the property to the north only at this time. The extension of Venture Way would run from west to east.

Mr. Phipps explained that the extension of Venture way is not part of the plat of the land that this individual is purchasing.

Ms. Kelly stated that when they extend the road, someone's property would be effected. It is probably to our advantage to not have an additional drive if it can be avoided.

Ms. Kelly invited the applicant to step forward and speak on behalf of the development.

Mr. Larry Hatfield stated that he represents Custom Traffic Solutions. He explained that when he became involved with this project and was informed that the extension of Venture Way was being planned, his customer decided to work with Mr. Geraci and they determined that there is a tiny corner of the property that will have to be transferred to become part of that roadway. Mr. Geraci and CTS are in the process of working something out and Mr. Hatfield believes that each party's attorneys are formulating the proper documents to make that transition.

Ms. Kelly asked if the applicant was aware that if that road does extend, it is their responsibility to put in the landscaping.

Mr. Hatfield stated that he believes that is also a part of the negotiation with Mr. Geraci.

Ms. Kelly stated that the burden would be placed on the property owner.

Missy Karrick stepped forward and stated that everything was discussed and agreed to and will be memorialized in the proper documentation and signed once the attorneys finalize the paperwork.

Ms. Kelly asked if anyone from the public would like to speak. No comments were made therefor Ms. Kelly closed the public portion of the hearing.

The Board discussed the case amongst themselves. Mr. Reiners expressed concern over conditions 7 and 8.

Mr. Phipps made a motion with a second from Mr. Reiners to recommend approval of Custom Traffic Solutions combined stage 2 and stage 3 site plans with the above listed 8 conditions.

Roll call as follows:	Dan Phipps	Yes
	Cadi Kelly	Yes
	Eric Reiners	Yes

Motion carries.

Ms. McKnight gave a brief introduction stating that the township has hired her as a Zoning Consultant to assist until they hire another full time person. Interviews are scheduled so that process is moving along nicely. Once someone is hired, she will help with the transition of handing over more responsibilities. One of her tasks is to evolve a good schedule for deadlines and notices including all notices to Zoning Commission. Moving forward, please add the second Monday of each month to the calendar as the date for the Zoning Commission meetings. As there are cases, we will be in touch to make sure there is a quorum as well as to let everyone know if there are no cases and there is not a need for a meeting that month.

With no further business to discuss, the meeting adjourned at 8:06 pm.

HAMILTON TOWNSHIP ZONING COMMISSION
January 13, 2020

The meeting was called to order at 7:00 p.m.

Members present: Cadi Kelly, Dan Riegner, Amanda Webb, Brady Hood and Julie Perelman.

Ms. Kelly swore in all persons wishing to give testimony during this hearing.

Ms. Kelly tabled the meeting minutes from July 8, 2019 due to not having a quorum from that meeting.

Mr. Riegner made a motion with a second from Mr. Hood to approve the meeting minutes from the December 9, 2019 meeting.

Roll call as follows:	Brady Hood	Yes
	Cadi Kelly	Yes
	Julie Perelman	Yes
	Dan Riegner	Yes
	Amanda Webb	Yes

Ms. Kelly reviewed the process of the hearing tonight stating that the meeting will begin with the staff report. The applicant will then have a chance to speak. Members of the public, both in support and opposition will be given the opportunity to speak. The applicant may make additional comments then the public portion of the meeting will be closed. The board will then begin their deliberations in public and then a vote will be cast.

All members agreed to have Ms. Kelly as the board Chair. Ms. Kelly nominated Dan Riegner as Vice Chair and the board agreed. Ms. Kelly nominated Ms. Webb as the Secretary and the Board agreed.

Mr. Alex Kraemer, Director of Economic Development and Zoning, explained that this hearing is for two items. The first being a proposal for Burger King. The applicant is Mannik and Smith Group. The property owner is Carolls LLC. The property location is 5463 State Route 48, Maineville, OH 45039. The legal ad was placed on December 29, 2019 in the Pulse Journal and letters were mailed to all property owners within 200 hundred feet of the property in question. The proposed project includes the construction of a 3,235 square foot Burger King restaurant with a drive-thru. The façade will be composed of a brick masonry base, stone vertical accents and stucco. A right turn lane from State Route 48 will be constructed to access the site as well as a private drive. Parking consists of 33 parking spaces, two of which are handicap accessible. The pavement will be concrete or asphalt, as noted on the plans. Signage will include a ground mounted monument sign and signage on the building which will have to be approved via a separate zoning certificate. Lighting will be LED and they are working to get that in line with our zoning code. The Storm water detention is accounted for by a modification to the existing pond in the northwest corner of the property. The Warren County Engineer's Office is working with TPC Riversbend Golf Course to make sure the detention plans make sense for everyone.

The site is currently zoned B-1 PUD. This is a revised Stage 2 and 3 PUD. Previously the proposal for this parcel in 2014 was for a 'Kiddie Academy Daycare' and for whatever reason that fell through. The Carrolls Group purchased this property back in September. Hamilton Township Zoning Code section 4.8.3.J outlines the requirements for restaurants with drive-thru's stating that any restaurant with a drive-thru must be a minimum of 100 feet away from any residential district. The developer is actually reducing the size of the lot from 1.5 acres down to 1.1 acres to provide a larger distance of 245 feet away from any residential district. All audible devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 300 feet of any residential dwelling unit. The plans now show that it will be 380 feet away from any residential dwelling unit putting it in compliance with our zoning code. The tallest point on this Burger King will be 24 feet at its Apex. Parking complies with our zoning code. The drive-thru does meet the Hamilton Township Zoning Code as Table 4-6 Stacking Space requirements states that a minimum of 6 cars measured from the pick-up window with a separate stacking lane that is a minimum width of ten feet, and is set back 25 feet from the right-of-way and a minimum of 9 feet by 18 feet in size.

They have a very nice landscaping plan for this property. Currently a significantly wooded area provides a natural buffer between the proposed Burger King Site and South Lebanon Elementary School. It is recommended that this existing buffer be maintained.

RPC noted that the lighting and photometric plan was a little too bright on the southern end of the parcel. The developer has updated their lighting plan and they are now in compliance with the zoning code that states illumination cannot exceed the 1.0 foot-candles at the property line. Regional Planning Commission (RPC) also made the following recommendations:

- The applicant install road improvements as deemed necessary by ODOT and the Warren County Engineer's Office based on traffic studies required of the applicant.
- A sidewalk inclusive of cross-walk markings shall be provided along the entire private street frontage.
- The developer shall provide improvements to the Warren County central sanitary sewer and water systems as deemed necessary by the Warren County Sanitary Engineer to serve the use.
- Compliance with storm water management standards as required by the Warren County Engineer's Office.
- Erosion and sediment control plan approval and compliance as required by the Warren County Soil and Water Conservation District.
- Landscaping, lighting, and signage subject to Hamilton Township Trustees approval.
- Building exterior materials and character subject to Hamilton Township Trustees approval.

Recommendations were also given from the Warren County Water and Sewer Department, the Warren County Engineer's Office, and ODOT who stated that they are requiring a right turn lane on State Route 48 to facilitate the proposed restaurant use on the site. Burger King has agreed to comply with all comments.

Staff is recommending approval based on meeting the recommendations of partnering agencies such as compliance with the Hamilton Township Zoning Code and recommendations from the

Zoning Commission, compliance with recommendations from Warren County Regional Planning Commission (RPC), compliance with the requirements of the Warren County Soil & Water Conservation District, and lastly compliance with the requirements of the Warren County Engineers Office, specifically storm water basin requirements.

Ms. Kelly asked Mr. Kraemer to review the distance from the residential neighborhood. Based off the way she was looking at the plans, it did not appear to meet the requirements of a minimum of 300 feet from any residential district. Mr. Kraemer reviewed the plans with her and pointed out that they are reducing the size of the lot and therefore it will now exceed the minimum requirement.

Ms. Perelman referenced the existing wooded area between South Lebanon Elementary and this parcel stating that it is not currently being maintained. Would the current developer be responsible for maintaining that? Mr. Kraemer explained that what was meant is that the developer will not tear it down and it will remain.

Mr. Riegner also referenced the landscaping and wooded area stating that the bushes and other shrubbery that will be installed will have a green space in between them and the existing wooded area. Will that be mowed and maintained by the developer?

The board further reviewed plans and property plats and determined that the tree line in question actually belongs to the school district.

Ms. Webb asked if we require any kind of screening on the backside of the lot. Mr. Kraemer stated that he would look into it but since the lots are commercial-to-commercial, he does not believe so.

Ms. Perelman asked what happens with the land that is leftover after the parcel size reduction. Mr. Kraemer explained that it would now be part of the other parcel.

Ms. Kelly invited the applicant forward to speak.

Ralph Terbrueggen with Mannik and Smith Group as well as Amanda Aldridge with Carrols LLC stepped to the podium. Mr. Terbrueggen clarified the dimensions of the property. The original lot line shows 175 feet from that line to the closest rear residential line. 70 feet will be transferred back to the overall development. The menu board sits 35 feet from the property line. In addition, there is another 65 feet to the actual building.

Ms. Kelly asked if there were plans for the road that will be put in? Mr. Terbrueggen explained that would be up to the developer. He assumes that it would extend to the other parcels as three lots were originally proposed so that drive will serve those additional lots.

Mr. Terbrueggen explained that the north side will consist of three large deciduous trees. Below that will be a mixture of deciduous flowering shrubs and evergreens. The east side of the lot along State Route 48 will consist of three deciduous trees such as Honey Locust, evergreens and flowering deciduous shrubs. On the south side of the parcel, adjacent to the school, there are

existing White Pines that are 25-30 feet tall and those will be maintained and additional landscaping will be supplemented in between them where there is current open space. A mixture of shrubs and perennials will be planted around the menu board. Next, the lighting plans were discussed in detail explaining that the illumination is now well under the regulation for the zoning code. All four sides of the building are a brick blend as well as some stone elements.

Ms. Kelly stated that if this becomes a dedicated street, there will be a requirement for so many windows on the building. Ms. Aldridge stated that they could add a window into the design for the building.

Ms. Webb asked if the storm water could be explained. Mr. Terbrueggen stated that the storm water will be collected in a storm sewer that outlets to a ditch that drains to the existing pond for the short term. Long term the developer will pipe the storm water through the county.

Ms. Kelly opened the hearing to the public asking for those in favor to speak first. No one stepped forward. Therefore, she invited those wishing to speak in opposition of the development.

Ray Warrick expressed his concerns about the zoning process for developments as well as the storm water runoff.

Rhonda Smith spoke in objection of this development. She expressed concerns about adding to the existing water runoff for properties in the Rivers Bend community.

Peter Koenig owns the property that butts up to the northwest corner of this parcel. He too is concerned about water runoff and the effects of adding more to the existing pond on this property. He also mentioned that the developer could consider adding a significant buffer to the rear of the property to help with noise and lighting.

Ms. Perelman asked about the fencing that is already in place on the property. It is currently a six-foot privacy fence.

There was discussion of a sidewalk that runs alongside the fence and who that belongs to. Many students use that pathway to travel to and from South Lebanon Elementary. Other individuals use it via golf cart to access the golf course as well as Kroger.

Skip Markley referenced the Land Use Plan and asked the Board to look at that and the Comprehensive Plan to see if this type of development fits into that.

Jennifer Faz expressed concerns for the safety and security of the children at South Lebanon Elementary. She also mentioned that traffic is already heavy in the area so she is worried how adding this Burger King will play into that.

Brad Callahan spoke about the smell of the establishment that will encase the area. He believes that there are other places in the township that are better suited for this development.

Ginny Longnecker is another resident concerned about the safety of children at the school and in the surrounding neighborhoods as well as for her home and many of her neighbors.

Nick Weber suggested that the Board look into the violent crime statistics for fast food restaurants. He brought up topics such as the smell, appearance, trash collection, hours of operation and safety.

Heather Alley is concerned about the resale values of the homes in the surrounding neighborhoods as well as the safety of residents.

Rob Wilmot thanked the Burger King franchise for wanting to invest in the community but he does not believe this location is a good fit. The current traffic flow is only getting worse and this development will add to that making it nearly impossible to enter and exit the neighborhood across from this parcel.

Jason Jefferies asked why this is a proposed Burger King? Mr. Riegner explained that this parcel is zoned for Commercial use. The land owner is allowed to lease or rent to whomever they choose. The property is commercial whether it is a daycare or a restaurant. Ms. Kelly also explained that our zoning code gives specifics for what is allowed in each zone. This property has been zoned commercial since 2014 and this is one of the permitted uses.

Brad Meyer is concerned about the stormwater runoff into the existing pond. That pond will overflow and flood onto the golf course and surrounding properties. He also discussed landscaping concerns. The Board elaborated that our zoning code is very detailed and particular with our landscaping requirements for developments in the township. Every step of the way will be inspected by township staff to ensure that it is in compliance with our zoning code. Mr. Hood also stated that the Warren County Engineers Office has not approved the stormwater basin as presented. The developer has to update their plan and meet the satisfaction of the Engineers Office as well and the Warren County Water district. The plan that is in front of this board will not be able to obtain a permit until it is updated and approved by the county.

Susan Rust asked if this is a done deal as is rumored amongst residents?

Ms. Kelly stated that part of the concern is that this property is already zoned as business. They are asking for a permitted use under our zoning code. So, they are not asking for a zone change (ex: build a commercial building on a residential lot). Per our zoning code, if this is one of the permitted uses for this zoned parcel, it is hard for the board to turn it down. The township has a comprehensive plan in place and part of that plan is that this district is zoned commercial. Ms. Rust asked why more letters were not sent out about this development. Mr. Kraemer responded that per our zoning code, we are only required to notify property owners within two hundred feet of this parcel and give at least ten days' notice before the zoning meetings.

Ms. Perelman spoke up about what she believes the perception of the role of this Zoning Commission is amongst residents and she clarified as follows; this particular Board is meant to look at what is being presented, how it fits within our codes and our overall plan, and then the Zoning Commission makes recommendations based on those plans, to the Trustees. Ms. Kelly also agreed that this Board is a 'recommending body' that does not get to say yes or no. The

Trustees ultimately have the decision of whether this is approved or not. When this property was rezoned to business in 2014 there was undoubtedly more notice sent out to surrounding properties owners to let them know what was going on. However, some of the existing homes adjacent to this parcel may not have been built when that occurred. Since this hearing is for a developer that is wishing to build on a parcel that is zoned for their type of development, the appropriate notices were issued.

Matt Luecke, Director of Business Affairs for Kings Schools, stated that South Lebanon Elementary is within two hundred feet but was not notified as they are not part of Hamilton Township. There is a fear of increased foot traffic to and from the establishment and the school as well as a fear of children crossing State Route 48 to get to and from Burger King. The school wants to be good neighbors during this process.

Mr. Hood asked Mr. Luecke how Kings feels about the elementary having access to the much larger Kroger parking lot directly on the other side of their building? Mr. Luecke explained that a conversation took place about that. Fortunately, the children do not tend to drift toward the Kroger parking lot. The school is pressed to the north of their property line and Burger will be pressed to the south of their property line making the buildings much closer together. He stated that he is very thankful for the parents that shared their concerns with the school and he hopes that the school district can be a part of any conversations that would allow the developer and the district to find solutions to these valid concerns.

Information was given in relation to when the Trustee's meetings are held.

Ms. Kelly closed the public comments portion of the meeting.

The applicant was invited to step forward and address the questions from the public.

Ms. Aldridge with Carrols LLC answered questions about the smell. The Burger King located elsewhere that many were referring to in the meeting is not a Carrols owned business. A brand-new Burger King does not put out a pungent smell. Technology has changed so that they operate the businesses differently with minimal impact. The soundboard adjusts automatically based on ambient noise but aside from that you cannot hear it past four feet away. The children at the school will not hear order takers because the sound does not stretch that far. She explained that Carrols will work with the school to build a fence or put up some kind of barrier if that will help with safety concerns. Additional landscaping can be added at the back of the property as well. She stated that Carrols LLC prides themselves on helping communities so they will work with whoever they need to so all concerns are addressed. Neyer owns the property and will own the remaining parcels around this one as well. Carrols will be improving the storm water runoff system greatly to make sure it is adequate for all future development in this location. This particular property is zoned for their intended use so that is why they look at it. There will not be a sign placed on the interstate to direct people to the location. They do not view the interstate as a draw. She explained the Carrols company and stated that she is very passionate about this company and brand. They are working on several Burger King's in the Cincinnati market and bought into the Cincinnati market a few years ago from another company. There are still Burger

King's in the area that Carrols does not own but they would like to. The company wants all of their locations to be clean and modernized.

Ms. Kelly asked if they just built the location on Route 42 in Sharonville. That is a Carrol's owned establishment.

Mr. Terbrueggen explained that they are not going to draw from the expressway. This will be probably 2-3 miles from the highway so there will not be any signs directing traffic to this location. He acknowledged that State Route 48 is a very busy road. He does not condone any foot traffic crossing this road but the education will ultimately fall on the parents to provide. The stormwater piping will be sized to convey the water per the Engineers Office regulations. The ditch, even if temporary, will be sized rightfully. The detention basin will also be sized appropriately. There will be a flood route in the case of larger storms. We are working with the golf course maintenance director to address some issues that were developed when building the maintenance facility. The flood routing will pass the residents. It will not go through the subdivision. The existing mound facing the residents on Oakview is approximately 4-5 feet with some evergreens. Looking from google street view at the cul-de-sac, it shows the roofs of the pre-existing farmhouse and the barn. Any kind of low landscaping on the west side of the Burger King most likely will not benefit anything. The fence, mound and evergreens should prevent light from coming through. The biggest concern seems to be seeing the building and the lights there so it has been proposed to add some deciduous trees and that should have the best chance to block the building and lighting.

Ms. Kelly pointed out that there is only ten feet between where the drive will be and the rear property line. Mr. Terbrueggen stated that trees could be planted there and the canopy would overhang. Three trees are proposed but Ms. Kelly stated that she would like to see more.

Inaudible discussion of the landscaping plans took place. Mention of a non-living barrier took place such as a fence separating the school and this parcel. Ms. Kelly mentioned adding more landscaping at the residential side of the parking lot. She mentioned that the hours of operation will need to be addressed when this goes before the Trustees. She asked if there was a traffic study done. Mr. Terbrueggen and Ms. Aldridge both stated that they were not required to have one. Ms. Kelly asked if ODOT is allowing them to have full access to turn right and left onto State Route 48? Mr. Terbrueggen stated that it was initially allowed but we are working with them on the drive.

Ms. Perelman asked what the employee count is for this establishment since the hours will be approximately 6am to 11pm. Ms. Aldridge stated that there are roughly 35-40 employees. The lunch rush from 11am to 2pm will most likely have 7-10 employees at a time. Breakfast and dinner will only have around 4-7 for each shift. Employees arrive no earlier than 5am and leave no later than midnight.

There was discussion of adding another window into the design if the private drive becomes a dedicated street.

Mr. Riegner made a motion with a second from Mr. Hood to recommend approval to the Board of Trustees with the following conditions;

- Adding a buffer to the entire southern property line (school side) that is non-organic/fencing of some sort.
- Working with the developer to increase the buffer to the western property line (residential side) where there is an existing fence.
- All staff recommendations as listed above.
- Assuming that the drive becomes a public road, the building structure will need to reflect the requirements for that dedicated street.
- ODOT requirements for a right turn onto State Route 48 to facilitate the proposed restaurant
- Working with the Warren County Engineers Office to make sure that the plans for the stormwater basin are in compliance with the County's requirements.

Roll call is as follows:

Cadi Kelly	Yes
Julie Perelman	Yes
Dan Riegner	Yes
Amanda Webb	Yes
Brady Hood	Yes

Motion carries.

Ms. Kelly explained that the next item on the agenda is a consideration for zoning regulations for CBD Oil specific retail stores.

Mr. Kraemer read the legal notice stating that this hearing is a consideration for zoning regulations for CBD Oil specific retail stores in Hamilton Township. This is following a one-year moratorium put in place by the Hamilton Township Trustees who are asking the Zoning Commission to consider and recommend parameters for these types of businesses as soon as possible. Mr. Kraemer explained that CBD Oil was made federally legal by a bill passed on December 20, 2018. On July 30, 2019 the Ohio Legislature decriminalized hemp and licensed hemp cultivation in the state of Ohio. CBD is short for cannabidiol which is a compound found in a hemp plant. Hemp and marijuana are related but they are two different plants. Hemp contains a very low level of THC (tetrahydrocannabinol) which is the active ingredient that produces the high in marijuana. The maximum level of THC in hemp is .03% however many CBD retail stores promote that you can get many of the same benefits from CBD oil without the psychoactive effects of THC. Under the new law, the Ohio Department of Agriculture issues hemp cultivation and hemp processing licenses allowing hemp to be grown and processed in Ohio. Previously the State Board Pharmacy formulated a rule that the increasingly popular CBD made from hemp, can only be sold in marijuana dispensaries as a controlled substance. However, the new Ohio law now states that hemp products include cosmetics, personal care products, dietary supplements or food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particle board and any other product containing one form of cannabinoids or cannabidiols.

Mr. Kraemer looked into what local municipalities are doing pertaining to CBD Oil. Deerfield Township placed a one-year moratorium back in July 2019. "Your CBD Store" expressed

interest in opening a shop in Hamilton Township. They already operate out of Anderson Township as well. Mr. Kraemer is not aware of any regulations that they might have. They have a few CBD stores operating right now. The City of Montgomery has one store that is operating right now.

The question is, do we put any regulations on these retail shops? Do we just allow them to be in the township and open where they would like? Or do we consider regulations similar to what Deerfield is exploring such as location restrictions? They are looking at 2,500-foot buffer between CBD establishments. That would prevent an entire strip mall of multiple CBD stores from opening. We could look at distance restrictions for schools, libraries, government buildings, residential areas, etc. Mr. Kraemer would like to have an expert or someone who is well versed in CBD Oil explain what types and varieties are being sold. There seem to be a lot of different types of CBD oil. One item that popped up is that a very small number of stores seem to sell CBD that you can vape. Deerfield is also putting a cap on the number of stores that are allowed in their township. They are allowing one store per 10,000 residents. So only four total CBD Oil stores will be allowed to open in Deerfield. We could consider something similar.

Ms. Kelly asked if we have talked to our Legal Counsel to make sure that we can even do anything with this? Mr. Kraemer explained yes, we have and our legal counsel also represents Deerfield Township.

Mr. Hood commented on the vaping stance stating that he does not believe we should regulate what or how people do or do not smoke.

Discussion about the difficult choice of regulations and possible loop holes took place.

Mr. Kraemer stated that CBD Oil is currently being sold in the township at Walgreens and Kroger. However, they do not meet the 50% sale margin just for CBD products which is what the moratorium was set in place for.

Ms. Perelman commented that it might speak to the quality of the products sold if there is a dedicated store just for this purpose. The stuff that you buy at Kroger and elsewhere is probably a lower quality product.

Dan Wilson commented on adding regulations and mentioned that it might be more of a burden on staff to put regulations.

Dr. Duane Titus with Maineville Family Chiropractic spoke on his knowledge of CBD Oil. There are not many regulations on the law. He started looking into CBD Oil before the passage of the farm bill and prior to legalization in the State of Ohio. Looking at the medical literature that is available, it has benefits of use such as being a neuro protectant, an antioxidant, antipsychotic, anti-anxiety, anti-inflammatory, etc. His objective was to go out and find the best product available to provide for his patients. He found a USDA certified, organic, full spectrum CBD Oil. This particular option does contain THC which is the "high" component in marijuana. CBD is derived from hemp. Hemp is a plant, same genus species, as marijuana. Marijuana is a flowery plant, hemp is stalkier like bamboo. Any product out there should be third party tested, if

they are not, steer people away from them. CBD is only one of about a hundred cannabinoids from the hemp plant and the marijuana plant. In hemp it is highly predominant. The other 99 cannabinoids, including THC are in there but at much lower levels. That is why hemp is typically only grown with .3% THC. THC is the component that shows up on drug screens. There is not enough of it present that it would cause impairment. THC free is what individuals such as first responders are taking because it does not contain any THC. That can never be USDA certified organic because of the processing. Most people take an isolate which is CBD only. CBD has its effects in the body but it is better to use the entire plant.

Ms. Kelly mentioned that there is no prescription and the seller can buy any quality that they want to buy to put out for consumers.

Mr. Riegner asked at what level does THC start to have an effect?

Dr. Titus believes that it is upwards of 20%. He is not completely sure. Depending on the percentage it may have the same effect of alcohol.

Ms. Perelman stated that again, the THC is subjective. What may affect one person might be fine for another person.

Ms. Kelly asked what types are available? Is it only an oil? Are there gummies, tablets, etc.?

Dr. Titus explained that his practice offers a gel tablet. They have flavored oils well. It does come in gummies, sublingual oil (place under the tongue), there are powders that are THC free, Topical sav's both full spectrum and not.

Ms. Perelman asked where the percentage of .3% comes in?

Dr. Titus stated that comes from state and federal levels however, no one is policing it. That is one reason the third-party testing is important.

Mr. Riegner asked if there are stores in person and online that sell product significantly higher than the legal limit? Mr. Titus stated that he is not aware of any but that is why if no test results are published, then you should steer away from that product. You should be able to view test results to find out what is in the product that will be consumed.

Mr. Hood stated that the Attorney General has released a "guide" to follow with these hemp and CBD products.

Ms. Kelly asked if there is an age requirement for selling CBD Oil?

Dr. Titus stated that he is not aware of one.

Mr. Riegner asked how long this has been around? Is this something that has been in existence for a long time and someone just happened to promote it differently?

Dr. Titus stated that it has become a political stigma because it has been perceived differently in comparison to marijuana. Hemp products have been around for a very long time.

Mr. Hood stated that he believes regulations are too arbitrary. He thinks the market should regulate itself.

Ms. Perelman commented that she read several articles that said the Department of Agriculture is responsible for inspections. She thinks that one of the regulations we could put is how many of these stores do we actually want in the township?

All members thanked Dr. Titus for sharing his knowledge about CBD products.

Ms. Kelly believes that the topic should be tabled for now until more research can be done. She would also like to figure out for legal purposes if the township can technically regulate something that is legal.

Mr. Riegner made a motion with a second from Ms. Webb to table the CBD Oil discussion.

Roll call is as follows:	Julie Perelman	Yes
	Dan Riegner	Yes
	Amanda Webb	Yes
	Brady Hood	Yes
	Cadi Kelly	Yes

Motion carries.

Ms. Kelly made a motion to adjourn the meeting. There was a second from Mr. Hood.

All in favor.

BYLAWS

For The

HAMILTON TOWNSHIP ZONING COMMISSION

Hamilton Township, Warren County, Ohio

Enacted March 9, 2020

DRAFT

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I. NAME AND PURPOSE

The Hamilton Township Zoning Commission (hereafter “Commission”) has been established pursuant to Ohio Revised Code Section 519.01. Its purpose is to advise the Board of Hamilton Township Trustees (hereafter “Trustees”) on text and map amendments, and to review Planned Unit Developments (hereafter “PUDs”), benefitting planning, zoning and economic development for the citizens of Hamilton Township.

II. MEETINGS

- A. The Commission shall have one regular meeting each month as necessary, which shall be held on the second Monday of the month at 7:00PM unless otherwise determined by the Commission, and shall be held in the Meeting Hall of the Hamilton Township Administration Building (7780 South State Route 48, Maineville, Ohio) or as determined by the Commission.

All meetings of the Commission shall be open to the public and notice thereof shall be given in accordance with the Ohio “Open Meeting Law.” A schedule of regular meetings shall be posted in the Planning and Zoning Office and on the township website at: www.hamilton-township.org.

There shall be no more than four items heard at any one scheduled meeting. If more than four applications have been received prior to a scheduled meeting, the Chairperson can decide to either call a special meeting or defer the additional applications to next month’s meeting.

- B. The Commission may schedule a second meeting each month, which shall be held on the fourth Monday of the month at 7:00PM. The meeting shall be held in the Meeting Hall of the Hamilton Township Administration Building (7780 South State Route 48, Maineville, Ohio) or as determined by the Commission.
- C. A special meeting may be called at any time by the Zoning Director (hereinafter Director), by the Chairperson or by two or more members of the Commission and shall be held at the place where regular meetings are held, unless otherwise authorized by a majority of the Commission. Special meeting notices, including a summary of the purpose of said meeting, shall be posted in accordance with the Ohio “Open Meeting Law.”
- D. At least forty-eight (48) hours before each meeting, a notice stating the time and place of the meeting and the matters to be considered at the meeting shall be given by the Director to each member of the Commission by delivery thereof to the member’s residence or by depositing the same in the United States Mail. Any news media requesting notification of special meetings shall

be given 24-hour advance notice and immediate notice of any emergency meetings.

- E. No matter shall be considered at any meeting which is not on the calendar for such meeting, except by consent of a majority of the Commission present.
- F. A quorum of the Commission shall be a majority of the membership on the Commission, excluding any Alternates. Such quorum may exercise the powers of the Commission and the action of the majority (i.e. at least three members excluding abstentions) of the full Commission is the action of the Commission.
- G. Public Hearings shall be recorded on tape and in minute form, all material being retained in accordance with Ohio State Law.

III. MEMBERSHIP

- A. The Commission shall be composed of five members, appointed by the Trustees for five year staggered terms, with one member's term expiring each year. The Trustees may also appoint an alternate member to fill any vacancies due to the absence of an appointed member. Members shall be residents of the township for a minimum period of three years. They shall represent no special interests.
- B. A vacancy on the Commission shall be filled by appointment by the Trustees. A vacancy shall ensue for any member who misses three consecutive meetings without prior excuse or approval.
- C. In order that the Commission members may legally visit property for which a zone change is requested, the Director shall solicit permission of the owner or lessee of the property involved, by requesting written permission.
- D. Members shall physically view the property for which a zone change is requested before the zone-change hearing takes place.

IV. OFFICERS

- A. At the first regular meeting of each year, the Commission shall select from its membership a Chairperson, Vice-Chairperson and Secretary. All officers shall serve a term of one year, or until their successors are selected and assume the role. All officers shall be eligible for re-election for consecutive terms for all three positions.

- B. The Chairperson (or Vice-Chairperson when the Chairperson is absent) shall preside at all meetings of members of the Commission and shall exercise, subject to the control of the Commission, a general supervision of the affairs of the Commission and shall perform generally all the duties incident to the position and such other duties as may be assigned by the Commission.

The Chairperson presiding over a regular or special meeting of the Commission shall have the same privilege of originating and seconding motions, voting on all matters and participating in discussions and procedures, as allowed to all other members of the Commission, without relinquishing the chair.

- C. The Vice-Chairperson shall act in the capacity of the Chairperson in his/her absence. In the event the position of Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Commission shall select a successor to the position of Vice-Chairperson for the unexpired term.

- D. The Secretary shall be responsible for maintaining an attendance record for each Commission member and report those records annually to the Commission for inclusion in the annual report to the Trustees. The Secretary shall also be responsible for recording audio minutes of all meetings. The minutes shall be recorded on tape and then transcribed to written form. The Trustees, at their discretion, may appoint a person to transcribe written minutes (typically, Hamilton Township staff).

V. STAFF ASSISTANCE

The Director or his/her authorized assistant, shall have the following duties and responsibilities relating to hearings before the Commission:

- A. The Director shall receive all applications and examine the documents and other materials submitted therewith to assure that it is complete and that the required maps, plans or reports are in good order and in sufficient quality.
- B. The Director shall be responsible for docketing, placing matters on the calendar and preparation and publication of public notice of the hearing in one or more newspapers of general circulation as selected by the Commission.
- C. The Director shall handle any correspondence reasonably necessary and/or appropriate to carry out these functions and copies of correspondence received and sent shall be provided to the Chairperson.
- D. Thereafter, the Director shall prepare a written report (a Staff Report) to the Commission as to matters under its jurisdiction. Advice of counsel shall be

received and entered in the minutes before disposition of any question of law or matter requiring legal interpretation or advice.

The Hamilton Township Law Director shall provide legal advice to the Commission as to matters under its jurisdiction. Advice of counsel shall be received and entered in the minutes before disposition of any question of law or matter requiring legal interpretation or advice.

VI. PUBLIC HEARINGS

It shall be the policy of the Commission to hold no public hearings except as required by law or except on such matters as it shall determine to be of great public concern because of the effect of its decision upon the entire community or a substantial part thereof.

- A. Notice of public hearings shall be given as provided by law or, if there be no such provision, as required by these regulations. Notice of public hearings shall be published in a local newspaper at least **thirty (30) days** before the hearing date for **changes to the text of the zoning code or to the zoning map**.

Notice of public hearings shall be mailed at least ten (10) days before the hearing date to all contiguous or adjoining property owners for changes to the zoning map. The notice shall clearly state the place, time, date and subject of the hearing.

- B. If any meeting or hearing of the Commission shall be adjourned to a later date, public announcement shall be made by the Chairperson of the meeting at said meeting or hearing as to the date, time and place to which said meeting is adjourned.
- C. Public hearings shall be recorded on tape and in minute form, all material being retained in accordance with the Ohio Revised Code.

VII. PROCEDURE FOR HEARINGS

At public hearings, individuals in attendance shall register their names and addresses. There will be a swearing-in of all individuals wishing to be heard at the hearing. In the interest of efficient procedure, time limits may be set by the Chairperson for individuals wishing to be heard at public hearings. The procedure for hearings shall be as follows:

1. The Chairperson shall outline the procedure for the hearing.

2. The Secretary (or Director) shall read the legal notice as published.
3. The Director's Staff Report shall be presented.
4. The recommendation of the Warren County Regional Planning Commission shall be read.
5. The applicant or applicant's representative shall make a statement(s).
6. Comments/Questions from the audience members may be presented, first by those in favor of the application followed by those in opposition of the application.
7. Comments/Questions from members of the Commission may be presented.
8. The Applicant shall be permitted the opportunity to make a final statement(s).
9. Request for a motion and second is made by the Commission or the Commission may vote to table the hearing in progress and schedule a later date for the receipt of additional evidence. If the hearing is continued to a subsequent date, such date shall be announced at the current hearing and no further publication will be required.
10. If the Commission does not adjourn and a member moves for a vote and the motion is seconded, further discussion by the Commission may be heard prior to voting.
11. A vote is taken and the results recorded by the Secretary.
12. The results of the vote are announced by the Chairperson.
13. Announcement that the results of the vote will be forwarded to the Trustees, with a copy of the minutes and staff report.
14. Hearing shall be adjourned by majority vote.

At the conclusion of the hearing on each case, the Commission shall examine the evidence before it in relation to findings required to make their decision.

VIII. FINDINGS AND DECISIONS

The Chairperson may elect, subject to being overruled by a majority vote of the Commission in attendance on a motion duly made, seconded and passed:

- a. To proceed immediately to determination and decision;
- b. To defer determination and decision until later in the same meeting; or
- c. To defer determination and decision until a subsequent meeting.

Decisions, including any conditions relating thereto, shall be made by a motion, which shall be seconded. All motions shall be sufficiently detailed for the record. The Chairperson will then preside over discussion amongst Commission members relating to the case. Members of the Commission shall be permitted to freely state their opinions and ask any questions. Thereafter, the Chairperson shall instruct the Secretary (or Director) to call the roll for a vote.

The concurring vote of a majority of the members of the Commission present at the meeting shall be necessary to have a motion passed. A vote of abstention shall not be counted as a concurring vote. A tie vote shall result in a failure of the motion.

IX. AMENDMENTS

These bylaws may be amended by a two-thirds vote provided that notice of the proposed change is made at the previous meeting.

These bylaws are under consideration for adoption at the March 9, 2020 meeting of the Hamilton Township Zoning Commission. The bylaws were last adopted on January 13, 2003.

DRAFT

HAMILTON TOWNSHIP ZONING COMMISSION

2nd Hearing: Consideration of Regulations

CBD Oil Establishments

March 9, 2020 at 7:00PM

Request: On December 4, 2020, Hamilton Township Trustees passed a 1 year zoning moratorium on the issuance of zoning related permits and approvals for the principle and conditional use of land for hemp related/CBD oil purposes. The Trustees requested Zoning Commission review this matter at the next scheduled meeting to determine what, if any, regulations should be placed on CBD-oil-specific-retail stores.

The Zoning Commission held its 1st hearing on CBD Oil Establishments on Monday, January 13, 2020. Many issues were discussed at that meeting, and it also included a presentation from Dr. Duane Titus of Maineville Pharmacy. This will be the 2nd hearing on the issue.

History: CBD was made legal federally by passage of the Farm Bill of 2018, passed on December 20, 2018. On July 30, 2019 the Ohio Legislature decriminalized hemp and licensed hemp cultivation in the state of Ohio.

CBD Oil is cannabidiol, a compound found in the hemp plant. Hemp and marijuana are related, but actually two different plants. Hemp contains a very low level of tetrahydrocannabinol, (THC) the active ingredient that produces the "high" in marijuana. The maximum level of THC in hemp is 0.03%. However, CBD stores promote that you can get many of the same benefits from CBD without the psychoactive effects of THC.

Under the new law, the Ohio Department of Agriculture issues hemp cultivation and hemp processing licenses allowing hemp to be grown and processed in Ohio.

Previously the State Board of Pharmacy promulgated a rule that the increasingly popular CBD made from hemp, can only be sold in medical marijuana dispensaries as a controlled substance. However, the new Ohio law now states that hemp products include "cosmetics, personal care products, dietary supplements or food intended for animal or human consumption, cloth, cordage, fiber, fuel, paint, paper, particleboard, and any other product containing one or more cannabinoids derived from hemp, including cannabidiol".

Local Municipalities:

- Deerfield Township has also placed a 1 year moratorium on CBD Oil retail stores and is currently considering regulations as well. Warren County RPC recently passed recommendations on Zoning Code Text Amendments for Deerfield Township related to CBD Establishments.
- Anderson Township: No regulations, 1 CBD Oil retail store is open there (*Your CBD Store*)
- City of Montgomery has a CBD Oil retail store operating on Montgomery Road.
- West Chester has a CBD oil retail store operating on Tylers Place Blvd.

Staff Considerations:

- Should no regulations be placed on CBD Oil-specific stores?

Potential Regulations:

- Locational restrictions?
 - No CBD Oil store shall be permitted within 1,000 feet (+ or -) of another CBD store. This is to prevent a strip mall of only CBD establishments.
 - Maintain a 1,000 foot (or other distance) buffer from all schools, libraries, community centers and government buildings, residential zones, etc.
- Permitting only CBD Oil-specific stores selling USDA certified organic CBD Oil? According to the US Department of Agriculture (USDA), the term "organic" refers to any item that is grown or produced without the use of genetically modified organisms, pesticides, synthetic fertilizers, sewage sludge, or ionizing radiation. "USDA certified organic" means that a government-approved certifier has inspected the growing and processing conditions to ensure they meet official standards. Therefore, "organic CBD oil" is extracted from organically-grown hemp and then processed without any chemical additives.
- Prohibit the sale of any CBD Oil that can be vaped?
- Place a cap on the number of CBD Oil Retail Stores allowed in Hamilton Township? Deerfield Township is considering placing a cap of 1 store per 10,000 residents. Hamilton Township has roughly 30,000 residents, so a cap could be 3 total stores.
- Other Regulations to consider...?

Staff Report Exhibit 1



WARREN COUNTY REGIONAL PLANNING COMMISSION

DATE: February 27, 2020
TO: Warren County Regional Planning Commission Executive Committee
FROM: Brian Evans, Planning Intern
SUBJECT: Deerfield Township Zoning Code Text Amendments

BACKGROUND

The Deerfield Township Board of Trustees initiated amendments to the official Deerfield Township Zoning Resolution on February 4, 2020. The Board of Township Trustees has established definitions for cannabidiol (CBD), CBD, CBD Establishments, and Hemp. The Board has also set parameters for where these establishments are permitted uses in the zoning code. The Township currently has in place a moratorium on these uses that is set to expire on July 25, 2020.

SOURCE OF PROPOSED AMENDMENT: Deerfield Township Trustees

ZONING CODE SECTION:

1. Establishing Definitions for Section 12.02 cannabidiol (CBD), CBD, CBD establishment, and Hemp.
2. Setting Use-Specific Standards for CBD Establishments in Section 4.08.
3. Add CBD Establishments to Table 4.06-A "Permitted Use Table".

JUSTIFICATION: The current Zoning Code has no provisions to regulate CBD establishments. None of the included definitions are currently in the zoning code. The Township has agreed to allow CBD establishments under limited conditions. Their primary concern is to prevent the concentration CBD establishments in any one area, thus spacing regulations. The Township has also proposed to define CBD establishments as retail operations having 50% or greater of their inventory being dedicated to CBD products.

RECOMMENDATION

Recommend approval of the proposed amendment with the following suggestions.

1. Define "CBD Products." Clearly state the products the Township wants to regulate.
2. Clarify the statement "50% or greater of it's merchandise" in the definition of CBD establishment to provide a more definable measure.
3. Consider lowering the percentage to qualify as a CBD establishment from 50% to a lower number.
4. Research the ability to establish a separation standard between the use and schools, libraries, parks, similar to ORC 4301.17 for the regulation of liquor stores.

PROPOSED AMENDMENT

Proposed language (see Exhibit 1).

STAFF ANALYSIS

The Board of Township Trustees have determined that the Zoning Resolution needs to be amended to include definitions of key terms and set base regulations over CBD establishments. These provisions provided by Deerfield Township will allow the industry to exist but in a controlled and safe manner.

Stan Williams, AICP
Executive Director

Exhibit 1: Proposed Amendment

EXHIBIT A

Deerfield Township Zoning Resolution – Proposed CBD Business Text Amendments

TABLE 4.06-A: PERMITTED USE TABLE														
USE P = Permitted Use PS = Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS													USE- SPECIFIC STANDARDS SEE SUBSECTION:
	R-SF	R-TF	R-MF	R-TR	OS-P	O	O-W	N-B	G-B	B-RD [1] SUBAREA A	B-RD [1] SUBAREA B	B-RD [1] SUBAREA C	L-M	
	BUSINESS AND MIXED USES													
CBD Establishment								PS	PS	PS	PS	PS		

Section 4.08: Use-Specific Standards

The following section contains additional standards that shall be met by an applicant for uses that are either permitted with use-specific standards and conditional uses. In addition to meeting the following standards, all applicants for conditional uses shall be required to comply with any and all other applicable provisions of this zoning resolution.

C. BUSINESS AND MIXED USES

9. CBD Establishments

CBD Establishments are subject to the following standards:

- a. The owner shall demonstrate that the issuance of the zoning certificate would not increase the number of such CBD Establishments operating within the township at the time of application to be more than one per each ten thousand (10,000) inhabitants residing in the township according to the most recent decennial census.
- b. Any lot containing a CBD Establishment shall be located at least 2,500 feet from any lot containing another CBD Establishment.
- c. Cultivation and/or processing of hemp shall be prohibited.

Section 12.02: Definitions

Cannabidiol (CBD)

Cannabidiol compound, containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent, derived from hemp.

CBD

See "Cannabidiol"

CBD Establishment

A retail establishment having 50% or greater of its merchandise dedicated to the sale of CBD products.

Hemp

The plant *Cannabis sativa* L. and any part of that plant, including seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent on a dry weight basis.